

Message

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Sent: 8/20/2019 3:37:46 PM
To: McGill, Thomas [McGill.Thomas@epa.gov]; Laycock, Kelly [Laycock.Kelly@epa.gov]; Calli, Rosemary [Calli.Rosemary@epa.gov]; Nagrani, Kavita [Nagrani.Kavita@epa.gov]; Hicks, Matt [Hicks.Matthew@epa.gov]; Ghosh, Mita [Ghosh.Mita@epa.gov]; Kupchan, Simma [Kupchan.Simma@epa.gov]; Parker, Christopher [Parker.Christopher@epa.gov]
Subject: per disussion today re ESA rule at EPA
Flag: Follow up

404 assumption

- Program description: CWA Section 404 requires a permit be issued before dredged or fill material can be discharged into the waters of the US. 404(g) of the CWA enables tribes and states to assume the administration of the program for certain waters. Assumption – which is different from delegation – means that a state or a tribe assumes the authority to issue state- or tribe-issued permits and the Corps suspends permitting. EPA approves state and tribal requests to assume administration of the program which are consistent with the Act and implementing regulations and has oversight responsibilities.
- Federal action: Approval or denial of a state or tribal request to assume the CWA section 404 program.
- Current position on ESA consultation:

• Ex. 5 Deliberative Process (DP) •